

**REPORT TO REGIONAL WATER SUPPLY COMMISSION
MEETING OF WEDNESDAY, OCTOBER 16, 2019**

SUBJECT GREATER VICTORIA WATER SUPPLY AREA MINING ACCESS REQUEST

ISSUE

To seek Regional Water Supply Commission (the Commission) approval for a placer mining tenure holder to access the Greater Victoria Water Supply Area (GVWSA) under Greater Victoria Water Supply Area Protection Bylaw No. 2804.

BACKGROUND

A GVWSA mining access application was received in September for Commission decision.

Provincial Legislation

Under the *BC Mineral Tenures Act* and *Mining Right of Way Act*, the Capital Regional District (CRD) is required to allow mining tenure holders access to their tenures in the Leech Water Supply Area (WSA); however, reasonable conditions may be imposed on access. Further, the *Mining Right of Way Act* gives the registered holder(s) of a mining tenure the right to use existing roads on private land to access their tenure for mining purposes.

GVWSA Protection Bylaw and Policy

Under the Greater Victoria Water Supply Area Protection Bylaw No. 2804, the General Manager will seek approval for access and special use of the GVWSA from the Commission. By policy and procedure (*Water Supply Area Access and Special Use Request and Approval Policy and Procedure*), all access requests, except those under prescribed situations (e.g., academic research, CRD contractors), are forwarded to the Commission. Mining access and special use is not a prescribed situation under the Procedure and the application is therefore presented to the Commission for decision.

Accompanying Persons Requests

The *Mineral Tenure Act* requires the CRD to provide access to a valid mining tenure holder, their agents and free miners they invite. The purpose of the access for the tenure holder and accompanying persons can only be to conduct mining activities. An agent is defined in common law as a person who is acting under the direction and authority of the tenure holder. A free miner includes anyone who holds a valid free mining certificate issued annually by the Ministry of Energy, Mines and Petroleum Resources. Mining work is labour intensive and it is typical in British Columbia for the exploration of minerals and placer mining to bring additional workers to mining tenures. Under the GVWSA Protection Bylaw, the CRD requires all persons entering the GVWSA to be authorized prior to entry. Tenure holders must provide evidence of agency or free mining status, along with adequate insurance prior to access authorization.

2019 Mining Access and Special Use Applications

Table 1 lists one tenure holder who has newly acquired a tenure (through sale) in the Leech WSA.

Table 1. Mining Access and Special Use Applications – Leech Water Supply Area

Tenure Holder	Accompanying Persons	Placer Tenure	Mineral Tenure	Date Tenure Issued*	Tenure Renewal Date*	Tenure Size (ha)
Bryan Jefferies	Andrew Zradicka Paul LaRouche	570771		2007-11-26	2021-11-26	42.8

* Date Issued / Renewal Date information from the BC Mineral Tenures Online database as of September 26, 2019.

The applicant has \$3 million liability and \$1 million firefighting insurance through membership with the Vancouver Island Placer Miners' Association. Applicants must submit evidence of vehicle insurance, permission to transit through adjacent TimberWest private forest lands (where transit is required), and sign an Access Agreement that provides the CRD with a liability waiver and sets out the conditions for access prior to entry. No access is permitted during extreme fire danger rating as a condition of the Access Agreement.

The miner has indicated on the Landowner Notification the intention to conduct “sniping in the River” [Leech River]. CRD will inform the miner that the use of suction dredging and hand or mechanically powered “sniping” equipment is not considered an acceptable placer mining practice¹, and is not authorized on CRD lands.

The redacted access application and Land Owner Notification (Appendix A) and proposed Access Agreement (Appendix B) are available in advance or on the day of meeting by request.

Risk and Mitigation

The risks, planned mitigation and conditions of the additional access and use of the Leech WSA by mining tenure holders are summarized in the following table:

Risk/Implication	Access Factors	Mitigation / Conditions
Environmental Fire	<ul style="list-style-type: none"> Varied fire danger throughout the year 	<ul style="list-style-type: none"> Condition: No access during extreme fire danger rating or at other times of special concern No fires permitted, cooking stoves only Requirement to carry firefighting tools in vehicles during fire season Fire suppression insurance CRD monitoring through air and ground patrols
Environmental Contamination Sediment Pathogens	<ul style="list-style-type: none"> Vehicles, people/tools working in or near water Access and activities outside of current drinking water catchment 	<ul style="list-style-type: none"> Condition: No pets allowed No storage of fuel or hazardous materials while not on site CRD ground patrol monitoring

¹ Mineral Titles Branch, Ministry of Energy and Mines 2016: Information Update #38 – Acceptable Practices for Placer Hand Mining in British Columbia.

Risk/Implication	Access Factors	Mitigation / Conditions
Safety/CRD Risk	<ul style="list-style-type: none"> Potential for miner to be injured on CRD property 	<ul style="list-style-type: none"> Condition: Radio required for travel on Greater Victoria Water Supply Area roads. Condition: Watershed orientation Condition: Access Agreement Indemnification and Waiver Condition: Vehicle and liability insurance
Economic	<ul style="list-style-type: none"> Administration effort 	<ul style="list-style-type: none"> CRD ground patrol field time
Inter-Governmental	<ul style="list-style-type: none"> Entry/access required under provincial Acts 	<ul style="list-style-type: none"> Condition: Valid tenure held by the applicant and up-to-date Free Mining Certificate

CONCLUSION

The Capital Regional District (CRD) has received notice, under Section 19 of the *Mineral Tenure Act*, as well as by application for Greater Victoria Water Supply Area access and special use, from a mining tenure holder to access and use the Leech Water Supply Area for placer mining activities. Given the applicant’s rights to access the Leech WSA under the *Mineral Tenures Act* and *Mining Right of Way Act*, CRD approval is not required to enable the tenure holder, and their agents and invited free miners, access to the Leech WSA, however reasonable conditions may be imposed by the CRD through Access Agreements.

RECOMMENDATIONS

That the Regional Water Supply Commission authorize access and special use to:

- a. the mining tenure holder, Bryan Jefferies; and,
- b. accompanying agents and free miners, Andrew Zradicka and Paul LaRouche, whose status can be confirmed, and that meet CRD insurance requirements;

for the valid mining tenures held, subject to the conditions of the Access Agreement.

Submitted by:	Annette Constabel, M.Sc., R.P.F., P.M.P., Senior Manager, Watershed Protection
Concurrence:	Ted Robbins, B.Sc., C.Tech., General Manager, Integrated Water Services
Concurrence:	Robert Lapham, M.C.I.P., R.P.P., Chief Administrative Officer

AC:dd

Attachments: (2) Available on request

1. Appendix A Access and Special Use Request Application Form and Landowner Notification (redacted)
2. Appendix B 2019 Access Agreement (redacted)